

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA
ORANTES, BALTAZAR VASQUEZ,
Plaintiffs-Petitioners,

No. 2:18-cv-928 MJP

V.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”); U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); U.S. CITIZENSHIP AND IMMIGRATION SERVICES (“USCIS”); EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (“EOIR”); THOMAS HOMAN, Acting Director of ICE; KIRSTJEN NIELSEN, Secretary of DHS; KEVIN K. McALEENAN, Acting Commissioner of CBP; L. FRANCIS CISSNA, Director of USCIS; MARC J. MOORE, Seattle Field Office Director, ICE, WILLIAM P. BARR, United States Attorney General; LOWELL CLARK, warden of the Northwest Detention Center in Tacoma, Washington; CHARLES INGRAM, warden of the Federal Detention Center in SeaTac, Washington; DAVID SHINN, warden of the Federal Correctional Institute in Victorville, California; JAMES JANECKA, warden of the Adelanto Detention Facility;

Defendants-Respondents.

**JOINT STIPULATION
AND [PROPOSED]
ORDER GRANTING
LEAVE TO PLAINTIFFS
TO FILE A THIRD
AMENDED COMPLAINT,
EXTENDING THE TIME
FOR IMPLEMENTING
THE PRELIMINARY
INJUNCTION ISSUED BY
THIS COURT, STAYING
DISCOVERY, AND
SETTING A BRIEFING
SCHEDULE FOR
FORTHCOMING
MOTIONS**

NOTE ON MOTION
CALENDAR: MAY 13, 2019.

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants hereby stipulate and jointly move the Court for an Order setting forth the following:

1. Plaintiffs' Motion for Leave to Amend the Complaint (Dkt. 116) is granted.
2. Enforcement of the preliminary injunction entered on April 5 (Dkt. 110) ("Order") is further stayed until July 1, 2019, while the Court adjudicates Defendants' currently-

1 pending motion to vacate the Order (Dkt. 114) and Plaintiffs' forthcoming cross-
 2 motion to modify the Order.

3. Defendants' deadline to file a Notice of Appeal with respect to the Order is extended
 4 from June 4, 2019 to July 5, 2019, to allow the Court to adjudicate Defendants'
 5 currently-pending motion to vacate the Order (Dkt. 114) and Plaintiffs' forthcoming
 6 cross-motion to modify the Order. *See* Federal Rule of Appellate Procedure 4(a)(5)(C)
 7 ("The district court may extend the time to file a notice of appeal [by] 30 days after the
 8 prescribed time.").

9. Discovery is stayed pending consideration of the parties' forthcoming motions.

10. Defendants will continue to schedule bond hearings pursuant to *Matter of X-K-* until
 11 the date *Matter of M-S-* is scheduled to go into effect.¹

12. The following briefing schedule governs Plaintiffs' forthcoming cross-motion to
 13 modify the Order and Defendants' motion to dismiss Plaintiffs' Third Amended
 14 Complaint:

15. a. Plaintiffs file their cross-motion to modify the Order on or before May 28, 2019.

16. b. Defendants file their opposition to Plaintiffs' cross-motion to modify the Order on
 17 or before June 10, 2019.

18. c. Plaintiffs file their reply in support of their cross-motion to modify the Order on or
 19 before June 14, 2019.

20. d. Defendants file their motion to dismiss the Third Amended Complaint on or before
 21 June 3, 2019.

22. e. Plaintiffs file their opposition to Defendants' motion to dismiss the Third Amended
 23 Complaint on or before June 17, 2019.

24

25

26

¹ The "effective date" of *Matter of M-S-* is "90 days" from April 16—July 15, 2019. Dkt. 114-1 at 12 n.8.

f. Defendants file their reply in support of their motion to dismiss the Third Amended Complaint on or before June 21, 2019.

Given the complex issues that the parties anticipate briefing, the parties also stipulate to a page limit of 24 pages for both parties' motions and oppositions, and 12 pages for both parties' replies.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

JOINT STIPULATION AND
[PROPOSED] ORDER- 3
CASE No. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 598-8060

1
2 RESPECTFULLY SUBMITTED this May 13, 2019.
3

4 s/ Matt Adams

5 Matt Adams, WSBA No. 28287
6 Email: matt@nwirp.org

7 Glenda M. Aldana Madrid, WSBA No. 46987
8 Email: glenda@nwirp.org

9 Leila Kang, WSBA No. 48048
10 Email: leila@nwirp.org

11 NORTHWEST IMMIGRANT
12 RIGHTS PROJECT

13 615 Second Avenue, Suite 400
14 Seattle, WA 98104
15 Telephone: (206) 957-8611
16 Facsimile: (206) 587-4025
17 *Attorneys for Plaintiffs-Petitioners*

18 JOSEPH. H. HUNT
19 Assistant Attorney General
20 Civil Division

21 WILLIAM C. PEACHEY
22 Director, District Court Section
23 Office of Immigration Litigation

24 EREZ REUVENI
25 Assistant Director, District Court Section

26 Kristin Macleod-Ball*
Trina Realmuto*

AMERICAN IMMIGRATION COUNCIL
100 Summer Street, 23rd Floor
Boston, MA 02110
(857) 305-3600
trealmuto@immccouncil.org
kmacleod-ball@immccouncil.org

*Admitted *pro hac vice*

Attorneys for Plaintiffs-Petitioners

/s/ Archith Ramkumar
ARCHITH RAMKUMAR
N.Y.B. # 5269949

Trial Attorney, District Court Section
Office of Immigration Litigation
Civil Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 598-8060; (202) 305-7000 (fax)
archith.ramkumar@usdoj.gov

Attorneys for Defendants-Respondents

JOINT STIPULATION AND
[PROPOSED] ORDER
CASE No. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 598-8060

[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, IT IS SO ORDERED that:

1. Plaintiffs' Motion for Leave to Amend the Complaint (Dkt. 116) is granted.
2. Enforcement of the preliminary injunction entered on April 5 (Dkt. 110) is further stayed until July 1, 2019.
3. Defendants' deadline to file a Notice of Appeal with respect to the Order granting Plaintiffs' motion for a preliminary injunction is extended from June 4, 2019 to July 5, 2019.
4. Discovery is stayed pending consideration of the parties' forthcoming motions.
5. Defendants will continue to schedule bond hearings pursuant to *Matter of X-K* until the date *Matter of M-S* is scheduled to go into effect.
6. The following briefing schedule governs Plaintiffs' forthcoming cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction and Defendants' motion to dismiss Plaintiffs' Third Amended Complaint:
 - a. Plaintiffs file their cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction on or before May 28, 2019.
 - b. Defendants file their opposition to Plaintiffs' cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction on or before June 10, 2019.
 - c. Plaintiffs file their reply in support of their cross-motion to modify the Order granting Plaintiffs' motion preliminary injunction on or before June 14, 2019.
 - d. Defendants file their motion to dismiss the Third Amended Complaint on or before June 3, 2019.
 - e. Plaintiffs file their opposition to Defendants' motion to dismiss the Third Amended Complaint on or before June 17, 2019.

JOINT STIPULATION AND
[PROPOSED] ORDER
CASE No. 2:18-cv-928 MJP

CASE No. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 598-8060

1 f. Defendants file their reply in support of their motion to dismiss the Third
2 Amended Complaint on or before June 21, 2019.
3
4

5 DATED this ____ day of _____, 2019.
6

7
8
9
10
11 THE HONORABLE MARSHA J. PECHMAN
12
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26

JOINT STIPULATION AND
[PROPOSED] ORDER
CASE No. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 598-8060

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2019, I had the foregoing electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

/s/ Archith Ramkumar
ARCHITH RAMKUMAR
N.Y.B. # 5269949
Trial Attorney, District Court Section
Office of Immigration Litigation
Civil Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 598-8060; (202) 305-7000 (fax)
archith.ramkumar@usdoj.gov

Attorney for Defendants

JOINT STIPULATION AND
[PROPOSED] ORDER
CASE No. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 598-8060